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25 CISCO SYSTEMS, INC.

26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA

28 CISCO SYSTEMS, INC.,

Plaintiff,

v.

TELECONFERENCE SYSTEMS, LLC and
MARGALLA COMMUNICATIONS, INC.,

Defendants.

Case No. C 09-01550 JSW

JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
CASE MANAGEMENT CONFERENCE
AND PENDING MOTIONS TO DISMISS

Hon. Jeffrey S. White

1 WHEREFORE, on June 1, 2009, Defendant Margalla Communications, Inc. ("Margalla")
2 filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 24);

3 WHEREFORE, Margalla hereby withdraws that motion;

4 WHEREFORE, on August 31, 2009, Defendants Teleconference Systems, LLC ("TS")
5 and Margalla filed a Joint Motion to Dismiss, Stay or in the Alternative Transfer to The District
6 of Delaware (Doc. 56);
7

8 WHEREFORE, Margalla and TS hereby withdraw that motion;

9 WHEREFORE, a hearing on Defendants' motions and the Case Management Conference
10 are currently scheduled for December 18, 2009;

11 WHEREFORE, given Defendants' withdrawal of their pending motions, the parties
12 request the hearing on those motions to be cancelled;
13

14 WHEREFORE, in the parallel action in the District of Delaware, *Teleconference Systems,*
15 *LLC v. Procter & Gamble Pharmaceuticals, Inc. et al.*, C.A. No. 09-200 (JBS), previously
16 pending before the court were Cisco Systems, Inc.'s motions to stay and to transfer venue to the
17 Northern District of California;
18

19 WHEREFORE, the Delaware court heard argument on Cisco's motions in that
20 action on November 13, 2009 and ordered on November 25, 2009 that the case be transferred to
21 the Northern District of California; and

22 WHEREFORE, due to the transfer of the parallel Delaware matter to the Northern
23 District of California, the parties to the current matter believe that it may be most convenient and
24 productive for the Court and the parties to postpone the Case Management Conference to allow
25 for transfer of the Delaware action to be formally completed, and to allow the parties to discuss
26 the configuration of the case and based on that discussion respond as appropriate to pending
27
28

1 pleadings or motions, and prepare a Joint Case Management Conference Statement reflecting
 2 those developments prior to the Case Management Conference.

3 NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE PARTIES that,
 4 subject to the Court's approval, Margalla's Motion to Dismiss for Lack of Subject Matter
 5 Jurisdiction and Margalla and TS' Joint Motion to Dismiss, Stay or in the Alternative Transfer to
 6 the District of Delaware are withdrawn. Its is further stipulated that the Case Management
 7 Conference in this case be rescheduled and the parties will propose a new date for the Case
 8 Management Conference once we have discussed the configuration of the case and counsel for
 9 all parties have appeared and responded to pleadings.
 10

11
 12 Dated: December 10, 2009

THE SIMON LAW FIRM, P.C.

13
 14 By: /s/ Anthony G. Simon

15 ANTHONY G. SIMON
asimon@simonlawpc.com

16 Attorneys for Defendants

17
 18 Dated: December 10, 2009

WEIL, GOTSHAL & MANGES LLP

19
 20 By: /s/ Edward R. Reines

21 EDWARD R. REINES
edward.reines@weil.com

22 Attorneys for Plaintiff Cisco
 23 Systems, Inc.

FILER'S ATTESTATION

I, Anthony G. Simon, am the ECF User whose ID and password are being used to file this Joint Stipulation. In compliance with General Order 45, paragraph X.B., I hereby attest that Edward Reines has concurred in this filing.

Dated: December 10, 2009

THE SIMON LAW FIRM, P.C.

By: /s/ Anthony G. Simon

ANTHONY G. SIMON
asimon@simonlawpc.com

Attorneys for Defendants

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, Defendants TS and Margalla's Joint Motion to Dismiss, Stay or in the Alternative Transfer to The District of Delaware and Defendant Margalla's Motion to Dismiss for Lack of Subject Matter Jurisdiction are withdrawn. It is further ordered that the hearing on Defendants Motions set for December 18, 2009 is cancelled. It is further ordered that the parties will propose a new date for the Case Management Conference once they have discussed the configuration of the case and counsel for all parties have appeared and responded to pleadings.. The Court FURTHER ORDERS that the pending motions to seal are DENIED as MOOT.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 10, 2009


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE